
ENGROSSED

SENATE BILL No. 158

DIGEST OF SB 158 (Updated February 17, 1998 12:07 pm - DI 69)

Citations Affected: IC 13-23.

Synopsis: Underground storage tank grant program. Allows the Indiana development finance authority to use money in the underground storage tank guaranty fund to award grants to underground storage tank owners and operators to assist in the closure or removal of underground storage tanks. Establishes procedures and requirements for underground storage tank owners and operators to receive grants from the fund. Requires the Indiana department of environmental management to provide a written report on the financial condition and operation of the underground petroleum storage tank trust fund at each meeting of the underground storage tank financial assurance board.

Effective: July 1, 1998.

**Gard, Randolph, Wolf, Simpson,
Howard**

(HOUSE SPONSORS — STURTZ, BOSMA)

January 6, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 15, 1998, reported favorably — Do Pass.

January 20, 1998, read second time, amended, ordered engrossed.

January 21, 1998, engrossed.

January 26, 1998, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

January 29, 1998, read first time and referred to Committee on Environmental Affairs.

February 17, 1998, reported — Do Pass.

SE 158—LS 6880/DI 69+



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Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE ENROLLED ACT No. 158

AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-23-10-1, AS ADDED BY P.L.1-1996, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. The underground storage tank guaranty fund is established as a reserve fund to be used to do any of the following:

- (1) Guarantee loans as described in section 6 of this chapter.
- (2) Carry out the loan guaranty program.
- (3) **Award grants as described in section 10 of this chapter.**
- (4) **Carry out the grant program.**

SECTION 2. IC 13-23-10-3, AS ADDED BY P.L.1-1996, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) The fund shall be charged with the expenses of the authority attributable and allocated to the underground storage tank loan guaranty program **and the underground storage tank grant program**, including interest and principal payments required by loan defaults under the guaranty program.

(b) The fund shall be credited with the income of the authority attributable and allocated to the guaranty program, including guarantee premiums.

SECTION 3. IC 13-23-10-7, AS ADDED BY P.L.1-1996, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

SEA 158+



JULY 1, 1998]: Sec. 7. When considering applications **for loan guaranties** under this chapter, the authority shall give priority to an application:

- (1) involving an underground petroleum storage tank that poses an immediate threat to the environment; and
- (2) from an owner or operator unable to obtain financing for a tank upgrade without a subsidy under this chapter.

SECTION 4. IC 13-23-10-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 10. (a) The authority may use money in the fund to award grants to owners and operators to assist in the closure or removal of underground storage tanks.**

(b) An owner or operator may receive a grant from the fund if the owner or operator meets the following requirements:

- (1) The owner or operator submits an application for a grant to the authority on a form provided by the authority.**
- (2) The owner or operator owns or operates not more than twelve (12) underground storage tanks.**
- (3) The owner or operator:**
 - (A) had an adjusted gross income of less than fifty thousand dollars (\$50,000) per year for the five (5) years immediately preceding the year the owner or operator submits an application for a grant; or**
 - (B) is a nonprofit corporation.**
- (4) The owner or operator has complied with the following:**
 - (A) This article or IC 13-7-20 (before its repeal).**
 - (B) Rules adopted under this article or IC 13-7-20 (before its repeal).**
 - (C) 42 U.S.C. 6991 through 6991i.**
 - (D) Regulations adopted under 42 U.S.C. 6991 through 6991i.**
- (5) The owner or operator has paid all registration fees that are required under IC 13-23-12.**
- (6) The owner or operator verifies that the:**
 - (A) grant will be used to close or remove an underground storage tank and will not be used to upgrade an underground storage tank; and**
 - (B) owner or operator will not be involved in the distribution of motor fuels after the underground storage tank is closed or removed.**
- (7) The owner or operator submits any other information as required by the authority.**



(c) The authority shall consider applications submitted under this section in the order the applications are received.

(d) The authority, department, and underground storage tank financial assurance board shall develop guidelines for awarding grants under this section.

SECTION 5. IC 13-23-11-7, AS AMENDED BY SEA 101-1998, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]:

Sec. 7. (a) The board shall do the following:

(1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry out the duties of the board under this article.

(2) Take testimony and receive a written report at every meeting of the board from the commissioner or the commissioner's designee regarding the financial condition and operation of the excess liability trust fund including:

(A) a detailed breakdown of contractual and administrative expenses the department is claiming from the excess liability trust fund under IC 13-23-7-1(5); and

(B) a claims statistics report consisting of the status and value of each claim submitted to the fund and claims payments made under IC 13-23-8-1.

The testimony and written report under this subdivision shall be provided at every meeting of the board. However, the testimony and written report are not required more than one (1) time during any thirty (30) day period.

(3) Consult with the department on administration of the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1 in developing uniform policies and procedures for revenue collection and claims administration of the fund.

(b) The department shall consult with the board on administration of the underground petroleum storage tank excess liability trust fund. The consultation must include evaluation of alternative means of administering the fund in a cost effective and efficient manner.

(c) At each meeting of the board, the department shall provide the board with a written report on the financial condition and operation of the underground petroleum storage tank trust fund established under IC 13-23-6-1.

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